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SUBJECT: UN GENERAL ASSEMBLY: REPORT ON HUMAN RIGHTS IN
OCCUPIED PALESTINIAN TERRITORIES

REF: USUN NEWYORK 00925

¶11. (U) Summary: On October 24, Professor John Dugard, UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, briefed the Third Committee of the General Assembly on his latest report, UN document A/62/275 of 17 August 2007. Israel called the report one-sided and filled with misrepresentations and misstatements. Many members of the Non-Aligned Movement, including Arab states, responded positively to the report. Speaking for the United States, Ambassador Grover Joseph Rees criticized Dugard's questioning of the UN role in the Quartet and the comparison of the situation in Palestine with apartheid. Rees described U.S. support for the Palestinian people and also noted the impact of Palestinian attacks on Israeli citizens. The full text of the U.S. statement is available at the website of the U.S. Mission to the UN: www.usunnewyork.usmission.gov/press_releases/20071024_256.html. End Summary.

Israeli Response

¶12. (U) The Israeli delegate criticized the report, which she argued was one-sided and filled with misrepresentations and misstatements. The delegate stated that the report demonstrated the personal agenda of the Rapporteur, specifically his argument that terrorism is a "relative concept." She argued that the report focuses solely on human rights violations committed by Israel, ignoring those committed by Palestinians. She also added that this report undermines the peace process and core humanitarian principles.

General NAM Response

¶13. (U) Members of the Non-Aligned Movement, including Palestine, South Africa, Kuwait, Egypt, Yemen, Sudan, Syria, Indonesia, Libya, Senegal, Nicaragua, and Cuba, responded positively to the report and expressed their admiration for Professor Dugard. They noted their concern regarding the human rights situation and described the report using terms such as "straightforward," "objective," "candid," "transparent," and "a relevant picture of Israeli violations of human rights in the occupied territories." They accused Israel of gross violations of human rights and international law and expressed support for the cause of the Palestinian people and their right to self-determination.

Advisory Opinion: International Court of Justice

14. (U) Dugard recommended that the ICJ be asked for an advisory opinion on the legal consequences for Israel, the Palestinian people and third states from the prolonged occupation. Lebanon, South Africa and Nicaragua expressed support. Lebanon asked Dugard if all of those who turn a blind eye to the situation in the OPT are legally implicated.

South Africa noted that the recommendation to seek an additional ICJ advisory opinion has not received due consideration by the Human Rights Council.

The Role of the Quartet

15. (U) Dugard suggested that the Quartet has a dubious legal foundation. He stated that it is dominated by the "most powerful member" and pays little attention to the Palestinian people. He suggested that the UN consider withdrawing from the Quartet, or reconsider the role of the UN with regard to the human rights situation. South Africa agreed that the Quartet undermines the unity of the Palestinian people and does not represent the majority of UN member states. Yemen also criticized the Quartet for focusing its criticism on Palestine, when the delegate alleged that Israel is in serious violation of its international obligations. Indonesia stated that the Quartet has shown inadequate attention to the situation of the Palestinian people. Egypt thanked Dugard for highlighting former Special Rapporteur Alvaro De Soto's report on the Quartet and called for a more positive and proactive role for the UN in the Quartet.

16. (U) Several other nations also commented on ways to respond to Israeli occupation. Kuwait and Libya both asked

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Dugard's opinion on ways to end Israeli occupation. Sudan asked him what means could be used to compel Israel to comply with UN General Assembly resolutions with respect to Palestinian human rights questions.

EU Response

17. (U) Speaking for the EU, Portugal expressed the expectation that both Israel and the Palestinian Authority will respect human rights and argued that both bear responsibility to end practices and policies that inhibit a two-state solution. The delegate asked for suggestions of meaningful steps for both sides to take under the current framework. The Portuguese delegate also asked what could be done to promote national reconciliation in Palestine and enhance the Palestinian authorities.

Dugard's Response to US and Israel

18. (U) Responding to comments by the United States, critical of his equating the situation in Palestine with apartheid, Dugard noted that he realized this is a sensitive issue, since former U.S. President Jimmy Carter was called an anti-Semite for making the same comparison in his book.

19. (U) Responding to Israel's criticism of Dugard's view that terrorism is a relative term, Dugard responded that Nelson Mandela was accused of being a terrorist by Margaret Thatcher and Vice President Dick Cheney, but is now seen as a "saintly icon". He also added that former Israeli Prime Ministers Shamir and Begin were associated with acts of terrorism against the British occupation. He argued that Israel and other countries focus so much on terrorism that the real issues are ignored.

Comment

¶10. (U) Dugard's views are well known and he did not break any new ground in his latest report.
Khalilzad